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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**ALLISON LEIGH LINVILLE  
915 Shorepoint Court Apt E319  
Alameda, CA 94501**

**Registered Nurse License No. 621235**

RESPONDENT

Case No. 2013-142

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 24, 2012, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2013-142 against Allison Leigh Linville (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about July 8, 2003, the Board of Registered Nursing (Board) issued Registered Nurse License No. 621235 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on September 30, 2004 and has not been renewed.

3. On or about August 24, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2013-142, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 at Respondent's last address of record and another address. Respondent's last address of record is: 915 Shorepoint Court Apt E319, Alameda, CA 94501. The other address served was: 3325 Lorna Rd # 2-287, Birmingham, AL 35216.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section

1 124.

2 5. On or about September, 10, 2012 and September 13, 2012, the first class and certified  
3 mail addressed to 3325 Lorna Road, #2-287, Birmingham, AL 35216 were returned by US Postal  
4 Service marked "Moved, Left No Address/ Unable to Forward." The address on the documents  
5 was the same as the address on file with the Board. Respondent failed to maintain an updated  
6 address with the Board and the Board has made attempts to serve the Respondent at the address  
7 on file and other known address. Respondent has not made herself available for service and  
8 therefore, has not availed herself of her right to file a notice of defense and appear at hearing.

9 6. Business and Professions Code section 2764 states:

10 The lapsing or suspension of a license by operation of law or by order or decision of  
11 the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive  
12 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding  
13 against such license, or to render a decision suspending or revoking such license.

14 7. Government Code section 11506 states, in pertinent part:

15 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a  
16 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation  
17 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's  
18 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

19 8. Respondent failed to file a Notice of Defense within 15 days after service of  
20 the Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation  
21 No. 2013-142.

22 9. California Government Code section 11520 states, in pertinent part:

23 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the  
24 agency may take action based upon the respondent's express admissions or upon other evidence  
25 and affidavits may be used as evidence without any notice to respondent.

26 10. Pursuant to its authority under Government Code section 11520, the Board after  
27 having reviewed the proof of service dated August 24, 2012, signed by Kami Pratab, and the  
28 returned envelopes find Respondent is in default. The Board will take action without further

1 hearing and, based on Accusation No. 2013-142 and the documents contained in Default Decision  
2 Investigatory Evidence Packet in this matter which includes:

3 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation No. 2013-142,  
4 Statement to Respondent, Notice of Defense (two blank copies), Request  
5 for Discovery and Discovery Statutes (Government Code sections  
6 11507.5, 11507.6 and 11507.7), proof of service; and if applicable, mail  
7 receipt or copy of returned mail envelopes;

8 Exhibit 2: License History Certification for Allison Leigh Linville, Registered Nurse  
9 License No. 621235;

10 Exhibit 3: Out of State Discipline (Alabama Board of Nursing);

11 Exhibit 4: Affidavit of Kami Pratab;

12 Exhibit 5: Declaration of costs by Office of the Attorney General for prosecution of  
13 Case No. 2013-142.

14 The Board finds that the charges and allegations in Accusation No. 2013-142 are separately and  
15 severally true and correct by clear and convincing evidence.

16 11. Taking official notice of Certification of Board Costs and the Declaration of Costs by  
17 the Office of the Attorney General contained in the Default Decision Investigatory Evidence  
18 Packet, pursuant to the Business and Professions Code section 125.3, it is hereby determined that  
19 the reasonable costs for Investigation and Enforcement in connection with the Accusation are  
20 \$897.50 as of September 18, 2012.

21 //

22 //

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Allison Leigh Linville has subjected her following license(s) to discipline:

a. Registered Nurse License No. 621235

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's license(s) based upon the following violations alleged in the Accusation, which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case.

a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary action by another State Board of Nursing.

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**ORDER**

IT IS SO ORDERED that Registered Nurse License No. 621235, heretofore issued to Respondent Allison Leigh Linville, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on January 14, 2013.

It is so ORDERED December 14, 2012



Board of Registered Nursing  
Department of Consumer Affairs  
State of California

Attachment:

Exhibit A: Accusation No. 2013-142

# Exhibit A

Accusation No. 2013-142

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 LESLIE E. BRAST  
Deputy Attorney General  
4 State Bar No. 203296  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5548  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

7  
8 LYDIA ZANE, Senior Legal Analyst  
Telephone: (415) 703-5573  
9 Facsimile: (415) 703-5480

10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12  
13 In the Matter of the Accusation Against:

Case No. **2013-142**

14 **ALLISON LEIGH LINVILLE**  
15 **915 Shorepoint Court, Apt. E319**  
**Alameda, CA 94501**

**ACCUSATION**

16 **Registered Nurse License No. 621235**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Accusation solely in her  
22 official capacity as the Executive Officer of the Board of Registered Nursing (Board),  
23 Department of Consumer Affairs.

24 2. On or about July 8, 2003, the Board issued Registered Nurse License Number 621235  
25 to Allison Leigh Linville (Respondent). The Registered Nurse License expired on September 30,  
26 2004, and has not been renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board under the authority of the following

1 laws. All section references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,  
3 that the Board may discipline any licensee, including a licensee holding a temporary or an  
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
5 Nursing Practice Act.

6 5. Section 2764 of the Code provides that the expiration of a license shall not deprive  
7 the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to  
8 render a decision imposing discipline on the license.

9 STATUTORY PROVISIONS

10 6. Section 2761 of the Code states: "the board may take disciplinary action against a  
11 certified or licensed nurse or deny an application for a certificate or license for any of the  
12 following:

13 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

14 ...

15 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action  
16 against a health care professional license or certificate by another state or territory of the United  
17 States, by any other government agency, or by another California health care professional  
18 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that  
19 action."

20 COST RECOVERY

21 7. Code section 125.3 provides, in pertinent part, that the Board may request the  
22 administrative law judge to direct a licensee found to have committed a violation or violations of  
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
24 enforcement of the case.

25 CAUSE FOR DISCIPLINE

26 (Unprofessional Conduct - Out of State Discipline)  
27 (Bus. & Prof. Section 2761, subd. (a)(4))

28 8. Respondent is subject to disciplinary action under Code section 2761, subdivision  
(a)(4), in that on or about September 11, 2008, the Alabama Board of Nursing, upon acceptance



1 and approval of Respondent's Voluntary Surrender, revoked Respondent's License to practice  
2 nursing in Alabama. As part of the surrender, Respondent stipulated that she must demonstrate to  
3 the satisfaction of the Alabama Board that she is capable of safely and competently resuming  
4 nursing practice as a condition of future reinstatement.

5 PRAYER

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
7 and that following the hearing, the Board of Registered Nursing issue a decision:

- 8 1. Revoking or suspending Registered Nurse License Number 621235, issued to Allison  
9 Leigh Linville;
- 10 2. Ordering Allison Leigh Linville to pay the Board of Registered Nursing the  
11 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
12 Professions Code section 125.3;
- 13 3. Taking such other and further action as deemed necessary and proper.

14  
15 DATED: August 24, 2012

Louise R. Bailey  
16 LOUISE R. BAILEY, M.ED., RN  
17 Executive Officer  
18 Board of Registered Nursing  
19 Department of Consumer Affairs  
20 State of California  
21 Complainant

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